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Richard Dagger

*University of Richmond*, [rdagger@richmond.edu](mailto:rdagger@richmond.edu)

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## Autonomy, Domination, and the Republican Challenge to Liberalism

Richard Dagger

There was a time, not so long ago, when almost no one would have considered republicanism a challenge to liberalism. Conservatism, fascism, communism, and other forms of socialism were prominent on lists of liberalism's rivals, but not republicanism. Historians occasionally analyzed the classical republics of Greece and Rome, or the role of republican ideas in seventeenth-century England or the American founding period, but republicanism itself was not a live option in contemporary politics.<sup>1</sup> In recent years, however, the situation has changed dramatically. Among political theorists, at least, the question now is not whether republicanism presents a challenge to liberalism but what kind of challenge it is.

On this question there are, broadly speaking, two points of view. According to one, republicanism and liberalism are fundamentally different schools of thought, and the republican challenge is to be welcomed or resisted, depending on one's position, as an attempt to supplant or replace liberalism. Whole-hearted liberals thus condemn republicanism as a danger to individual liberties and free societies, while neo-republicans such as Michael Sandel and Philip Pettit maintain that republicanism is not only different from but superior to liberalism.<sup>2</sup> According to the other point of view, the features that liberalism and republicanism share are more telling than the differences that divide them. From this perspective, the republican challenge aims not at replacing or defeating liberalism but at correcting its course. It is in this spirit that Cass Sunstein has welcomed the revival of interest in republicanism 'as a response to understandings that treat governmental outcomes as a kind of interest-group deal, and that downplay the deliberative functions of politics and the social formation of preferences'.<sup>3</sup> The value of republicanism, on this view, is

in its contribution to the development of a 'liberal republicanism' that promises to rescue American (and other) politics from the interest-group pluralism into which it has degenerated.

Like Sunstein and other advocates of 'republican' or 'civic' liberalism, I believe that it is historically unsound and politically unwise to insist on a sharp distinction between liberalism and republicanism.<sup>4</sup> Others disagree, however, and there is much to be learned from their position even if, ultimately, we should not adopt it. Those who take this more radical neo-republican view advance two main lines of argument: first, that the liberal emphasis on neutrality and procedural fairness is fundamentally at odds with the republican commitment to promoting civic virtue; and, second, that republicans and liberals conceive of liberty or freedom in incompatible ways. This second line of argument is my particular concern here, for it raises the question of whether republicans may attach the same value to autonomy that liberals do. My claim is that they may, and they must as republicanism and liberalism in the end are both theories of self-government. Before setting out and supporting that claim, though, it is necessary to examine briefly the first line of argument.

### I Republicanism vs. Liberalism: Civic Virtue

What is republicanism, and how might someone see it as a rival of liberalism? Whole books have been written in the last few years to answer those questions, but a brief response might focus on the *public* in 'republic'.<sup>5</sup> Republicanism takes its name from the Latin *res publica* – the public thing or business – and contemporary republicans are quick to claim that this stress on the public betokens a significant difference between themselves and liberals. Liberals, they say, are preoccupied with liberating the individual from restraints on his or her liberty – a preoccupation that leads liberals into endless contortions as they strive to distinguish the private realm from the public and protect it against encroachment. Republicans, in contrast, recognize that individual liberty is secure only in a self-governing community, which means that individual rights must be balanced with public responsibilities if the community is to survive and prosper. Someone who takes these public responsibilities seriously is said to display *civic virtue*, or 'the disposition to further public over private good in action and deliberation'.<sup>6</sup>

This concern for civic virtue persists today in various forms, such as the exhortations to vote that regularly appear, at least in the United States, at

election time. Another form is the suspicion that public officials are prone to corruption and conflicts of interest – conflicts that lead them to place their private interests ahead of the common good. But republicans do not take these signs of its persistence to mean that civic virtue is flourishing. If it were, there would be little point in exhorting people to vote; virtuous citizens would need at most a nudge to remind them to do their civic duty. The challenge today for those of a republican disposition is, as it usually has been, the challenge of finding ways to cultivate and sustain civic virtue. This challenge *for* republicans becomes a challenge *to* liberals because republicans believe that liberals, with their emphasis on the value of privacy, are either doing too little to foster civic virtue or are actively, if unintentionally, destroying it. In particular, liberals fail to stress the importance of overcoming *corruption* and *dependence*.

Corruption is the great enemy of civic virtue, on the republican view. In its active form, corruption occurs when people try to advance their personal interests at the expense of the common good, as when avarice leads to the looting of the public treasury or ambition to an attempt to seize power. In its passive form, corruption occurs when people shirk their civic duties in order to pursue personal pleasures, such as those found in indolence, luxury, and wealth. For civic virtue to thrive, such corrupting vices as ambition, avarice, and sloth must be, if not eliminated, at least contained.

In addition to worrying about corruption, republicans worry about dependence. For republicans, the good citizen is a responsible member of a self-governing polity – someone who, in Aristotle's terms, rules and is ruled in turn.<sup>7</sup> People who are almost completely dependent on others will likely be ruled, but they are surely in no position to rule. The rule of law is necessary, therefore, as a means of avoiding personal dependence. According to the old formula, 'a government (or empire) of laws, not of men', frees citizens by subjecting them to laws, not to the demands and whims of unchecked rulers. Republicans have also typically defended private property as a way of guaranteeing that citizens would not be dependent on others for their livelihood. To some, this has implied that citizenship must be confined to that minority of men who owned sufficient property to be independent; to others, such as James Harrington and Jean-Jacques Rousseau, it has suggested that property should be distributed so as to prevent anyone from being wealthy enough to dominate other citizens, thus rendering them dependent. As Rousseau put it, everyone should have something, but no one should have too much.<sup>8</sup> That is, everyone should have enough property to be able to speak and act

independently – as a citizen. But no one should have so much property as to be corrupted by luxury or enabled to dominate others.

Liberals, of course, may well respond that they have never advocated corruption or dependence as proper forms of conduct or ways of life. But the republican point is that liberalism quite unintentionally promotes corruption, at least in its passive form, and dependence. Or perhaps I should say the republican *points*, as here we can begin to see how republicans have advanced two distinct lines of criticism against liberalism.

According to the first line of attack, liberals have promoted corruption by encouraging people to pursue their private interests at the expense of their public responsibilities. This criticism has been pressed forcefully, with special attention to the United States, by Michael Sandel. In *Democracy's Discontent* and other works, Sandel argues that liberals are now engaged in a self-defeating project because their concern for neutrality and procedure rules out 'a formative politics . . . that cultivates in citizens the qualities of character self-government requires'.<sup>9</sup> In their desire to remain neutral among competing conceptions of the good, liberals have devised a thin, insubstantial form of politics that aims only to 'provide a framework of rights that respects persons as free and independent selves, capable of choosing their own values and ends'.<sup>10</sup> Instead of producing virtuous citizens who are devoted to the common good, contemporary liberalism produces people who think of themselves as autonomous individuals – that is, individuals who jealously guard their freedom to live as they choose against the encroaching demands of state and society. Lacking any common ground other than their agreement to disagree, these individuals must count on a neutral government to maintain the procedural safeguards that will allow them to pursue their various, and even discordant, conceptions of the good life. Such a 'procedural republic', Sandel charges, cannot sustain the loyalty and sense of solidarity necessary to its own survival. As he argues:

The procedural republic that has unfolded over the past half-century can now be seen as an epic experiment in the claims of liberal as against republican political thought. Our present predicament lends weight to the republican claim that liberty cannot be detached from self-government and the virtues that sustain it, that the formative project cannot be dispensed with after all. The procedural republic, it turns out, cannot secure the liberty it promises because it cannot inspire the moral and civic engagement self-government requires.<sup>11</sup>

Is Sandel right?

He is certainly right, in my view, to insist on the need for a 'formative project' that will foster civic virtue; but he is wrong, as I have argued

elsewhere, to oppose liberalism to republicanism as sharply as he does.<sup>12</sup> A strong dose of republican concern for inspiring civic virtue would be a valuable corrective to the tendency of many contemporary liberals to maintain that the state must be nothing more than an umpire or arbiter charged with protecting individual rights and insuring fair play. But that is not to say that we should throw out liberalism, root and branch, to replace it with republicanism. For a conception of civic virtue to prove compelling today, it must embrace tolerance, a sense of fair play, and respect for the rights of others – all of them virtues associated with liberalism, and none of them incompatible with republicanism. The challenge, then, is to devise a republican form of liberalism, or a liberal form of republicanism, that promises to support the ‘formative politics’ that will inspire a public-spirited citizenry.

There is, however, a second line of attack that aims at replacing liberalism with republicanism, and those who advance it are interested less in forming people for citizenship than in freeing them from dependence or domination. According to this criticism, as set out by Philip Pettit, Quentin Skinner, and Maurizio Viroli, liberalism and republicanism rest on fundamentally different conceptions of freedom, with the republican superior to the liberal.<sup>13</sup> As in Sandel’s case, I believe that these authors exaggerate the difference between liberalism and republicanism. Indeed, Viroli himself holds that liberalism is not an alternative to republicanism but a form of it, albeit an ‘impoverished or incoherent’ form.<sup>14</sup> Nevertheless, the distinction these authors develop contains important insights about freedom and its place in the republican tradition – insights, I shall argue, that ultimately reveal autonomy to be a concern that republicans and liberals share, not one that divides them.

## II Republicanism vs. Liberalism: Freedom

The neo-republican attempt to distinguish between republican and liberal conceptions of freedom has its antecedents in two earlier, much discussed distinctions. The first was the subject of Benjamin Constant’s ‘The Liberty of the Ancients Compared with That of the Moderns’. According to Constant, the liberty of the ancients consisted in the collective exercise of law-making power, but that of the moderns consists above all in the individual’s right to go about his or her business. In Constant’s words:

The aim of the ancients was the sharing of social power among the citizens of the same fatherland; this is what they called liberty. The aim of the moderns is the enjoyment of security in private pleasures; and they call liberty the guarantees afforded by institutions to these pleasures.<sup>15</sup>

Constant does not connect his distinction to liberalism and republicanism, but it is easy to see how one might link ancient liberty to republican thinking and modern liberty to liberal thinking. When Constant goes on to condemn attempts to revive ancient liberty by insisting that 'none of the numerous and too highly praised institutions which in the ancient republics hindered individual liberty is any longer admissible in the modern times', moreover, it is easy to conclude that he is rejecting the republican view of liberty on essentially liberal grounds.<sup>16</sup>

Easy, perhaps, but wrong. Constant does believe that it is both foolish and dangerous to try to replace modern liberty with ancient liberty, and he has no sympathy for those who hope to revive such ancient 'institutions' as ostracism and censorship. But he also holds that the moderns are in danger of turning their backs entirely on ancient liberty. Ancient liberty 'might attach too little value to individual rights and enjoyments', but in words that anticipate de Tocqueville's apprehensions about 'individualism', Constant warns that the 'danger of modern liberty is that, absorbed in the enjoyment of our private independence, and in the pursuit of our particular interests, we should surrender our right to share in political power too easily'.<sup>17</sup> It is necessary, therefore, 'to learn to combine the two [forms of liberty] together'.<sup>18</sup> Far from renouncing ancient liberty, in fact, Constant concludes his speech with a paragraph that weaves together themes now regarded as republican with themes often considered liberal:

The work of the legislator is not complete when he has simply brought peace to the people. Even when the people are satisfied, there is much left to do. Institutions must achieve the moral education of the citizens. By respecting their individual rights, securing their independence, refraining from troubling their work, they must nevertheless consecrate their influence over public affairs, call them to contribute by their votes to the exercise of power, grant them a right of control and supervision by expressing their opinions; and, *by forming them through practice for these elevated functions*, give them both the desire and the right to discharge these.<sup>19</sup>

Whatever else it may do, in sum, Constant's distinction between ancient and modern liberty does not reveal the mutual hostility of republican and liberal liberty. On the contrary, it supports the claim that republican liberalism is both possible and plausible as a theory of politics.

The second distinction – that between positive and negative liberty – does not prove so helpful to the republican-liberal cause, but neither does it hurt it. This is because the distinction presents two problems for those who hold that republicanism is hostile to the liberal position on freedom.

The first is that the distinction itself is troublesome, even in its most celebrated and influential formulation by Isaiah Berlin, who generally defends the negative conception – that liberty is the absence of restraint – against the positive conception of freedom as self-mastery.<sup>20</sup> The second problem is that the positive/negative distinction does not correspond to or ‘track’ the distinction between republican and liberal conceptions of liberty. This second problem, furthermore, besets both sides of the distinction. For those interested in republicanism and liberalism, the tendency is to take negative liberty as the liberal conception and positive liberty as the republican. But that makes it difficult to account for T. H. Green, who was both a champion of positive freedom and a self-described liberal.<sup>21</sup> It is possible, to be sure, that Green was wrong – wrong to think that he was a liberal, or wrong to think that a liberal can conceive of liberty as ‘a positive power or capacity of doing or enjoying something that is worth doing or enjoying . . . in common with others’.<sup>22</sup> But even if Green were wrong in one or both of these ways, there is still the problem on the other side of the distinction. That is, negative liberty does not seem to be the exclusive property of liberals. According to Quentin Skinner, Machiavelli and other republicans ‘never appeal to a “positive” view of social freedom’; instead, ‘they work with a purely negative view of liberty as the absence of impediments to the realization of our chosen ends’.<sup>23</sup> Whether we look to the negative or the positive side of the distinction, then, the answer seems to be the same: republican and liberal conceptions of freedom simply do not match the negative/positive distinction.

This leaves us with the third and, for our present purposes, most straightforward distinction: republican versus liberal conceptions of liberty. In this case, the distinction drawing comes primarily from scholars sympathetic to republicanism, notably Philip Pettit and Quentin Skinner. Both Pettit and Skinner take the fear that personal dependence deprives people of their independence to be the heart of the republican idea of freedom, and both conceive of this as a form of negative liberty. For Skinner, republican, or ‘neo-roman’, liberty is ‘absence of dependence’; for Pettit, ‘the supreme political value’ of the republican tradition is ‘freedom as non-domination’. Against this republican conception of liberty they oppose not only positive liberty, understood as self-mastery, but also the ‘classical liberal’ form of negative liberty as ‘absence of interference’.<sup>24</sup>

Freedom as non-interference is the liberal view, Pettit says, because Thomas Hobbes, Jeremy Bentham, William Paley, and other liberals have held that any and all interference with our actions deprives us of (some)



freedom.<sup>25</sup> Pettit argues that this conception is unsatisfactory for two reasons. First, someone may suffer domination without suffering interference. If I were in someone's power, for instance, I might well see the need to shape my conduct to what I take to be his or her desires – and I might do so even if that person never interferes or even thinks of interfering with my actions. This kind of non-interfering domination happens all too often, according to Pettit, who provides numerous references to fawning, toadying, cap-doffing, forelock-tugging, and other forms of servile deference to demonstrate the evil of domination. The second objection is that freedom as non-interference ignores the distinction between arbitrary and non-arbitrary interference. It is not interference as such that is objectionable, but its arbitrariness. A slave who must bow to the will of the master, and a citizen who must bow to the force of the law, may both suffer interference; but it is a mistake to say that they both lose freedom as a result. The master holds arbitrary power over the slave because the master need not consider the slave's interests; but the law, at least in the ideal, must attend to the interests of the citizen even when it interferes with his or her actions. Because it protects the citizen against arbitrary power, the law is 'the non-mastering interferer' that ensures the citizen's freedom.<sup>26</sup>

Freedom as non-domination thus rests on 'the frankness of intersubjective equality'.<sup>27</sup> The law may happen to interfere with my conduct more than with yours, yet we stand eye to eye and are equally free as citizens. This independence from arbitrary power is so valuable, Pettit says, that it is a 'primary good' in the Rawlsian sense. Whatever else people may want, they will want to be free from domination because they then will have the ability to make plans, to speak freely, and simply to be *persons*; for 'everyone – or at least everyone who has to make their [sic] way in a pluralistic society – will want to be treated properly as a person, as a voice that cannot be generally ignored'.<sup>28</sup>

For Pettit, then, freedom as non-domination is the good to be secured and promoted by the neo-republican political institutions and practices he sketches in the second half of *Republicanism*; and, as goods go, it is better than the 'liberal' good of freedom as non-interference. If the choice must be posed in these terms, in short, I agree with him. Domination is always a threat to freedom; interference is not. But that is not to say that interference is no threat to liberty, nor is it to say that the republican and liberal conceptions of liberty are mutually exclusive and hostile. The key point is that both domination and interference threaten and limit freedom because both are at odds with *autonomy*. I say this for three reasons.

First, as the traditional republican opposition of dependence to independence indicates, the desire to be free from domination is rooted in the desire to be in some sense self-governing. Why else would we complain about being dominated by or dependent upon another person? Pettit says that people want to be free from domination so that they may enjoy 'the frankness of intersubjective equality' and be treated as voices 'that cannot be generally ignored'. To be on an equal footing with those who would dominate us, however, or ignore our voices, is to be in a position to govern our lives, just as they do theirs. That does not mean that a person can or should even want to be the complete master of his or her domain. The attempt to achieve that kind of self-mastery is likely to lead to the self-stifling 'retreat to the inner citadel' that Berlin rightly deplores in 'Two Concepts of Liberty'.<sup>29</sup> Instead, being in a position to govern our lives means, among other things, that we must be able to rely upon the impersonal force of the rule of law to secure our independence from the arbitrary power of others. And that implies, in turn, that we must rely on our fellow citizens, whose general cooperation and compliance makes the rule of law possible. It is as *interdependent* citizens, then, that we can stand on an equal footing with others in making and following the laws that protect us from arbitrary power, and in that sense we can be self-governing. We want to be free from domination, in other words, so that we can exercise autonomy.

Second, Pettit's emphasis on non-domination leads to some odd conclusions about when a person gains or loses (some degree of) freedom. In the postscript to the paperback edition of *Republicanism*, Pettit declares that 'the republic does not take away the freedom of citizens when it legally coerces them, taxes them, or even *puts them in prison*'.<sup>30</sup> If the republic has rightfully imprisoned a culprit, then it is easy to see how his or her imprisonment does not in itself constitute domination. But this simply means that one may lose some *freedom* while remaining *free from domination*. Put in other terms – terms congenial to republicans and liberals alike – Pettit's point seems to be that people do not lose their autonomy when they are coerced, taxed, or imprisoned in accordance with laws that somehow issue from them as self-governing citizens. Identifying freedom with non-domination, however, leads him to hold that people in these positions do not suffer a loss of freedom – an embarrassment easily avoided by those who take autonomy to be the reason for worrying about both interference and domination.

The third reason to prefer autonomy to 'freedom as non-domination' relates to the distinction Pettit draws between ways in which freedom is

*compromised* and ways in which it is *conditioned*. This distinction allows him to say 'that someone is *unfree* so far as their [sic] freedom is *compromised by domination*' and '*non-free*, though not strictly unfree . . . insofar as their [sic] freedom is subject to *conditioning* factors'.<sup>31</sup> I may be free from the domination of arbitrary power, yet various conditioning factors – physical handicaps, illness, ignorance, and so on – may nevertheless limit my freedom. This consideration leads Pettit to a priority rule. Republicans must act to promote non-domination first by abolishing or reducing arbitrary power; that done, they must then extend the range of *undominated choices* available to people: 'we ought to try and reduce influences that condition freedom as well as influences that compromise it'.<sup>32</sup> Again, I believe Pettit to be right on this point, but it is difficult to see how he is right if freedom is to be construed simply as non-domination. If that is what freedom is, then why should the republican do anything more than secure people from domination? There are no obviously republican grounds, that is, for wanting to remove or overcome those conditioning factors that render people 'non-free'. We do not face this problem, however, if we turn from non-domination to autonomy. We can then say that the conditioning factors limit or inhibit the ability to lead a self-governed life, which is reason enough to try to remove them. Extending the range of undominated choices is thus desirable for the same reason that eliminating domination is desirable: namely, both are ways of promoting autonomy.

On conceptual grounds, then, Pettit's way of distinguishing republican liberty from liberal liberty is suspect. The same must be said of its historical warrant. The distinction does underscore a signal feature of republicanism, but it also leads to a caricature of liberalism in which Hobbes, Bentham, Paley, and today's libertarians – all advocates of freedom as non-interference – are the principal liberals. In *Republicanism*, Pettit appeals more than once to Locke's observation (*Second Treatise*, §57) that the laws that hedge us in from bogs and precipices ill deserve the name of confinement, but he has to assign Locke to the commonwealth tradition to preserve the distinction between republican and liberal freedom.<sup>33</sup> Nor does he mention Green, John Dewey, or other liberals who have *not* defined freedom as non-interference, although he does admit in the postscript that John Rawls's conception of freedom 'is consistent with liberty requiring non-domination as well as non-interference'.<sup>34</sup> He would have done better to rely on what he says, in the Introduction to *Republicanism*, may be 'the best available' taxonomy: 'populist, republican/liberal, and libertarian'.<sup>35</sup>

In subsequent writings, in fact, Pettit retains and elaborates the distinction between 'freedom as non-domination' and 'freedom as non-interference', but he no longer explicitly associates the latter with liberalism. In *A Theory of Freedom*, he hints at the desirability of 'a liberal or inclusive form of republican theory', and he grounds his theory of freedom in the idea of *discursive control*.<sup>36</sup> The latter point is significant because Pettit's notion of a 'discursive subject' who enjoys 'discursive control' closely resembles the idea of an autonomous person. 'To enjoy discursive control', as he says, 'is to be proof against being silenced, or ignored, or refused a hearing, or denied the final say in one's own responses. It is, on the contrary, to be given recognition as a discursive subject with a voice and an ear of one's own'.<sup>37</sup>

These are salutary moves on Pettit's part. As he now seems to recognize, freedom as non-interference may be the view of freedom that many liberals hold, but it is hardly the only one available to them as liberals. There is another conception of freedom, encompassing the idea of non-domination but resting on the concept of autonomy, that is available to liberals and republicans alike.

Yet this conclusion, correct as I believe it to be, is too hasty. Pettit may no longer oppose the republican conception to the liberal conception of liberty, but his continued insistence on excluding non-interference from republican liberty stands in the way of an autonomy-based conception of republican freedom. 'Freedom just is non-domination', according to Pettit.<sup>38</sup> This claim puts him at odds with Quentin Skinner, who has his own reasons for resisting attempts to link republican, or neo-roman, liberty to autonomy. So, too, does Maurizio Viroli, who endorses Pettit's conception of 'freedom as non-domination' while holding that republicanism is incompatible with democratic autonomy. It will be necessary, then, to attend to the ways in which these neo-republicans have qualified and elaborated their views on freedom before proceeding to autonomy itself.

### III Qualifications and Elaborations

#### *IIIa Pettit vs. Skinner*

Pettit and Skinner both acknowledge how much each one's analysis of freedom owes to insights gained from the other. It is hardly surprising, then, to find them agreeing on two fundamental points: first, that there is a distinctively republican or, as Skinner prefers, neo-roman conception

of liberty; and second, that this conception is superior to its two rivals, freedom as self-mastery and freedom as non-interference. Nevertheless, there are three points of disagreement that separate them.

The first may be no more than an insignificant difference in terminology. Where Pettit takes republican liberty to be freedom from *domination*, Skinner defines it as freedom from *dependence*. Neither of them makes an issue of this difference, so far as I am aware, so I shall set it aside here.

The second point of disagreement arises with regard to Berlin's way of distinguishing negative from positive liberty. Skinner and Pettit agree that Berlin's two concepts are not enough, but they disagree on how to classify the republican conception. On Skinner's account, there is one concept of positive liberty, understood as self-mastery, but there are two competing concepts of negative liberty: the idea that 'negative liberty must be construed as absence of interference . . .' and 'the rival theory that negative liberty consists of absence of dependence'.<sup>39</sup> On Pettit's account, however, the republican conception of liberty

is akin to the negative one in maintaining that what liberty requires is the absence of something, not necessarily the presence. It is akin to the positive conception, however, in holding that that which must be absent has to do with mastery rather than with interference. Freedom consists, not in the presence of self-mastery, and not in the absence of interference by others, but rather in the absence of mastery by others: in the absence, as I prefer to put it, of domination.<sup>40</sup>

Whether this is a significant difference is again not clear. Pettit does not refer to Skinner in this context, so there is no reason to think that he is trying to separate their positions here. And I suspect that Skinner would simply point out that Pettit's 'absence of mastery' is every bit as negative as his own 'absence of dependence', with freedom in both cases defined as the absence of something.

There is no question, though, that the third point of disagreement is significant. Indeed, Pettit has recently defended his 'simple' position against objections that Skinner presents in *Liberty Before Liberalism*. According to Pettit, the difference between them is clear: 'I hold that for republicans freedom means nondomination, period, whereas [Skinner] says that it means nondomination *and* noninterference'.<sup>41</sup> The question, then, is why do they disagree on this point, and who has the better position?

Skinner holds that Pettit's simple identification of freedom with non-domination is mistaken because it leads to the unacceptably paradoxical situations I have already discussed – situations in which someone's apparent loss of freedom cannot count as real because the interference was

not the result of mastery or domination but of lawful procedures. According to Skinner, 'The [neo-roman] writers I am discussing never deal in such paradoxes. For them the difference between the rule of law and government by personal prerogative is not that the former leaves you in full possession of your liberty while the latter does not; it is rather that the former only coerces you while the latter additionally leaves you in a state of dependence'.<sup>42</sup> Thus the person who is jailed or otherwise coerced in accordance with the laws of a genuine republic suffers a real loss of freedom – freedom from interference or restraint – even if it is not as grievous or objectionable a deprivation as it would be if some arbitrary, unaccountable power were doing the jailing or coercing.

For Pettit, as we have seen, the person in question suffers no loss of freedom because there is a difference between having one's freedom *compromised*, which makes one *unfree*, and having it *conditioned*, which makes one *non-free*. Pettit rehearses this argument from *Republicanism* in his response to Skinner, stating that 'while the tax levy or even the term of imprisonment might not take away a person's freedom in an ideal world – they might not have the effect of a dominating agency – still they would leave the person nonfree: "while they do not compromise someone's freedom as non-domination they do allow us to say that the person is not free to spend or to travel as they [*sic*] wish"'.<sup>43</sup>

This argument, however, does not dispel the air of paradox that quite properly worries Skinner. How can it when Pettit tells us, in one sentence (emphasis added), that non-dominating interference 'might not take away a person's freedom', yet 'it would leave the person *nonfree*', and thus 'allow us to say that the person is *not free* to spend or travel' as he or she wishes? If enforcement of a non-dominating law deprives me of (some of) my freedom to spend or travel, and thus makes me non-free in these respects, then the enforcement of the law *must* take away my freedom – or at least some of it.

Pettit's argument here strikes me as insightful but unsuccessful in two ways. First, the distinction between forces that render us *unfree* by *compromising* our freedom and those that render us *non-free* by merely *conditioning* it does reflect common reactions to different kinds of experiences. In Pettit's example, the victim of a crime and the victim of an accident may both suffer an equal reduction in their range of choice, but we would hardly say that the evil they suffer is equivalent:

The evil of reduced choice is certainly important, but it is distinct from the evil involved in the assumption and exercise of domination by the criminal; it is this

evil that explains why, intuitively, it is worse to have one's choices reduced by crime than by an unintended, perhaps purely natural, accident.<sup>44</sup>

We may grant Pettit this point, however, without granting that his unfree/non-free distinction captures the difference in question. We could even say that it is not freedom but *wrongdoing* that is at issue in these cases. It is worse, that is, to have one's choices reduced by crime than by accident not because the criminal's victim is made 'unfree' but because he suffers a greater wrong, *ceteris paribus*, than the victim of an accident. The unfree/non-free distinction thus seems to be Pettit's ad hoc way of trying to tie this point to considerations of freedom.

To be sure, Pettit might respond by saying that the wrong suffered by the crime victim is directly and inextricably connected to freedom as non-domination. He might invoke 'discursive control' or 'the frankness of intersubjective equality', pointing out that the criminal or dominating power wrongs the victim by treating him or her as less than an equal, or as someone other than 'a discursive subject with a voice and an ear of one's own'.<sup>45</sup> To take this line, however, is to say that people *ought* or *perhaps have a right* to be treated as free persons capable of leading their own lives. This is to build freedom from non-domination into the idea of being a *person*, so that the wrong the dominated person suffers is the wrong of not being respected as someone with a right to live, think, and speak for himself. In short, it is an implicit appeal to autonomy that is doing the work here, not the distinction between unfreedom and non-freedom.

Something similar happens with regard to the second way in which Pettit's argument is insightful but unsuccessful. In seeking to avoid the paradoxical situations that trouble Skinner, Pettit trades on the sense in which freedom is a threshold concept. That is, someone who has all the freedom it is possible to have is a free person; someone who completely lacks freedom, whether from domination or interference, is not; and between these poles is some vague, imprecise, and perhaps shifting point or range of points that forms a threshold of freedom. If I am above that threshold, I am a free person, no matter that I am not completely free, or free in all respects. I can be more or less free above the threshold, and more or less free below it, but if I am above it, I am free enough to count as a free person, all things considered. It is this threshold that enables us to make sense of Pettit's claim that the (non-arbitrary, non-dominating) tax levy both does and does not take away the tax-payer's freedom – in his terms, makes her non-free but not unfree. The tax payer is not as free to spend as she would be in the absence of the tax, but her loss of

freedom is not great enough to make her an unfree person. If she goes to prison for tax evasion, it will be more difficult to make the case that she has not crossed the threshold that renders her an unfree person, but I will concede this point to Pettit for our present purposes. What should be noted, though, is that we could make the same point in the preceding two sentences if we were to substitute 'non-free' for 'unfree'. Someone who loses some degree of freedom, but not enough to drop below the threshold, remains a free person – that is, someone who is neither unfree nor non-free, all things considered. This tells us that it is the threshold that counts, not Pettit's distinction between compromising and conditioning factors that make us unfree and non-free, respectively.

Pettit's argument is insightful but ultimately unsuccessful, in sum, because he can dispel the paradox from the situations that worry Skinner only by trading implicitly on considerations that take him beyond his 'simple' conception of republican freedom as 'non-domination, period'. Indeed, Skinner could trade as effectively on these considerations as Pettit does. On the one hand, he could hold that someone who suffers interference but not domination loses (some) freedom while remaining a free person; on the other, he could hold that someone who suffers domination does not become *ipso facto* an unfree person. Like interference or restraint, domination comes in various forms and degrees, some of which will be sufficient to push one below the threshold of freedom and some of which will not. Skinner could trade on these considerations, moreover, without abandoning his claim that republican or neo-roman liberty involves the absence of domination (or dependence) *and* the absence of interference.

Nevertheless, Pettit has two more arguments against Skinner's position. Both of these follow from Pettit's belief that Skinner's neo-roman liberty places non-domination and non-interference on an equal basis. Hence Pettit argues, first, that domination alone ought to be considered the antonym of freedom, and, second, that Skinner's conception of liberty is unstable. Pettit is right, I think, to stress that non-domination is the distinctive aspect of republican freedom; and if 'freedom' must have a republican antonym, then I would only enter the quibble that there is something to be said for 'dependence' too. Otherwise, I readily accept the following claim:

What is bad about domination, and makes it a natural antonym of freedom, shows up in the three features of enforcing a restriction of choice, occasioning a distinctive uncertainty [because the dominated person is never sure of where



he stands or what to expect,] and introducing an asymmetry of status [between dominator and dominated]. What is bad about interference-minus-domination is merely that it restricts choice.<sup>46</sup>

In accepting this claim, though, I note that one may still hold to the view that 'interference-minus-domination' remains a part of republican liberty. After all, there is a difference between saying that non-domination is the distinctively republican feature of republican liberty and saying that it is the whole of it.

Pettit's final argument concerns the purported instability of Skinner's conception. Here, Pettit identifies three possibilities: freedom as non-domination, freedom as non-domination and non-interference, and freedom as non-limitation (where limitation 'may come of natural inability or handicap or poverty or from the lack of resources available as the unintended result of the action or inaction of others'<sup>47</sup>). The middle view – Skinner's – is in danger of sliding into the third, Pettit says, because it cannot identify an evil that is common to domination and interference but not to non-intentional limitation.<sup>48</sup> If interference is on an equal footing with domination because both restrict people's choices, then non-intentional limitations may be on an equal footing with them too. We must therefore reject the second position in favour of simple freedom as non-domination, with its three features, if we are to avoid the slide down the slippery slope to freedom as non-limitation.

There are two problems with this argument. The first is that Pettit does not explain why it would be so dreadful to adopt or slide into the conception of freedom that counts non-intentional limitations as every bit as inimical to one's freedom as domination or interference. Presumably to do so would be to open the door to considerations that republicans should not want to count as compromising one's freedom; but to say that is simply to reaffirm Pettit's conviction that republican liberty is freedom from domination. Even if we grant this point, moreover, the second problem remains – namely, that Pettit's conception of republican liberty may be as likely to slide into non-limitation as Skinner's. Pettit acknowledges that domination shares one of its three features, the restriction of choice, with both interference and limitation; but it seems that domination also shares the other two features – 'a distinctive uncertainty' and 'an asymmetry of status' – with limitation. In fact, people limited by 'natural inability or handicap or poverty or . . . the lack of resources available as the unintended result of the action or inaction of others' are quite likely to feel a distinctive uncertainty as to how to conduct themselves; they

are also likely to perceive an asymmetry of status in their relations with others. It is also true that some people see domination in what others regard as mere limitation. For example, the poverty that seems to some to be the unfortunate result of natural factors and innocent actions may appear to Marxists to be a consequence of capitalist domination. As this and many other possible examples illustrate, the slope leading to freedom as non-limitation seems as slippery for non-domination as it is for non-interference.

My conclusion, then, is that Skinner's conception of republican liberty is superior to Pettit's. Like Pettit's, Skinner's conception contains the distinctive feature that makes it *republican*: the emphasis on freedom as non-domination or independence. But Skinner's also allows that interference may sometimes 'compromise' freedom – indeed, that it may sometimes compromise freedom more severely than domination does. Such would be the case, I think, for the person who is wrongly convicted of a serious crime and imprisoned for many years, or perhaps even executed, even though his arrest, trial, and conviction proceeded fairly and in accordance with the republican ideal of the rule of law. Such a person would not be dominated, in Pettit's sense, but he would be less free by far than someone who must occasionally bow and scrape to the boss in order to keep his job.

There is an irony here, however. Pettit's recent writings, and especially his acknowledgment of the desirability of 'a liberal or inclusive form of republican theory', have brought him closer than Skinner to the position I favour. He may conceive of liberty more inclusively than Pettit, but Skinner does not regard this inclusive conception as evidence that republicanism and liberalism share a common foundation in autonomy. In this respect, he resembles Maurizio Viroli, another neo-republican who has his doubts about the relationship of republicanism to autonomy.

### *IIIb Republicanism vs. Autonomy?*

Skinner's remarks on republicanism and autonomy are confined, so far as I know, to a footnote in *Liberty Before Liberalism*. There he states that one 'might say that the neo-roman and classical liberal accounts of freedom embody rival understandings of autonomy. For the latter, the will is autonomous provided it is not coerced; for the former, the will can only be described as autonomous if it is independent of the danger of being coerced'.<sup>49</sup> On this account, republicanism and liberalism both have foundations in autonomy, but not a common or shared foundation. What

Skinner's footnote does, in effect, is push the purported rivalry between liberal and republican conceptions of liberty up, down, or back a level to a rivalry between liberal and republican conceptions of autonomy.

Is this move justified? In the absence of a richer account of autonomy than Skinner provides, it is hard to see how it is. Of course, if we already believe that republicanism and liberalism are sharply distinct and incompatible, then we would expect either that one of the two theories lacks a conception of autonomy altogether or that their conceptions are quite different from each other. But that is to assume precisely what is in question here; and Skinner offers no evidence to show that 'neo-romans' and liberals really do differ as he says with regard to autonomy. Moreover, the 'rival understandings of autonomy' Skinner identifies both rest, like his neo-roman and liberal conceptions of liberty, on a common element – in this case, coercion. The 'liberal' view is that autonomy is the absence of coercion; the 'neo-roman' is that autonomy is the absence 'of the danger of being coerced'. Assuming that Skinner means to include the absence of coercion itself in the neo-roman/republican view, and not merely the danger of it, the result is an inclusive conception of autonomy. In this respect, neo-roman autonomy as the absence of coercion *and* of the danger of being coerced is like his neo-roman conception of liberty as the absence of interference *and* of dependence. But that is to say that in both cases, the neo-roman/republican position absorbs and extends the supposedly liberal position, not that it rejects it. If this is rivalry, then it is rivalry of a friendly and intramural nature.

As with Pettit, in sum, so with Skinner. Both have made valuable contributions to our understandings of republicanism and of freedom, but neither has shown that the republican conception of freedom is so different from or hostile to (what they take to be) the liberal conception as to demonstrate that liberalism and republicanism are fundamentally incompatible. But what of Viroli, who distinguishes republican liberty not only from the liberal but also from the *democratic* ideal of liberty as autonomy?

Viroli's understanding of republican liberty is in line with Pettit's: 'The central point for classical republican theorists is that dependence is a more painful violation of liberty than interference'.<sup>50</sup> Viroli extends Pettit's analysis, however, when he associates democratic liberty with autonomy. As he puts it:

The democratic ideal of political liberty, understood as a condition in which citizens have autonomy and are governed by laws that reflect their will, is in

fact a radical version of the republican ideal of political liberty as absence of domination. If to be free means that one is not subject to the arbitrary will of a man or group, as republican theorists claim, we enjoy complete political liberty when we are dependent only on our own will – that is, when we live in a self-governing polity that permits us to approve or reject the rules governing the life of the collectivity.<sup>51</sup>

As stated here, the democratic ideal of political liberty may not seem to be a truly ‘radical’ departure from the republican ideal. As a citizen of ‘a self-governing polity that permits us’, my fellow citizens and me, ‘to approve or reject the rules governing the life of the collectivity’, I apparently enjoy ‘complete political liberty’ in both the republican and democratic senses. But Viroli has something much stronger in mind when he refers to approving or rejecting the rules governing the polity. To enjoy democratic autonomy in his sense of the term, I must be able not only to have a say or cast a vote, but to approve or reject each and every law of the polity – and so must every other citizen. The ‘radical’ nature of this democratic ideal emerges in the following passage:

The republican conception of political liberty approaches the democratic idea of liberty as autonomy of the will in that it, too, sees constraint as a violation of liberty; yet it is not identical, because it holds that the will is autonomous *not when the laws or regulations that govern my actions correspond to my will*, but when I am protected from the *constant danger* of being subjected to constraint.<sup>52</sup>

By implication, then, I am not autonomous according to the democratic ideal unless I have the power to veto any law or regulation that I disapprove. No wonder that this account of democratic liberty as autonomy of the will appears in a chapter entitled ‘The New Utopia of Liberty’!

What are we to make of this conception of democratic autonomy? Viroli presumably wants us to reject it in favour of the more sensible republican ideal of liberty, but others may try to turn the tables on him by using it to reject republicanism. Robert Paul Wolff, for one, relies on much the same notion of autonomy – ‘the refusal to be ruled’ – yet Wolff argues for ‘philosophical anarchism’ because unanimous direct democracy is impossible to achieve, and anything less is incompatible with autonomy.<sup>53</sup> In any case, there is no reason to accept this radical view as *the* democratic conception of autonomy. None of the chapters in the present volume, for example, entails or even implies that a person is autonomous only when she is able to approve or reject every rule or law that applies to her; indeed, Rainer Forst’s and Bert van den Brink’s separate discussions of ‘political autonomy’ resemble Viroli’s republican

ideal much more closely than his 'democratic idea of liberty as autonomy of the will ...' (see Chapters 10 and 11 in the present volume).

Nor does Viroli himself hold, in the end, that republicanism is thoroughly hostile to autonomy. As he says, the 'republican conception of political liberty *approaches* the democratic idea of liberty as autonomy of the will ...' (emphasis added). It does this because freedom from domination or from dependence upon the arbitrary rule of others enables a person to be *self-governing* in a meaningful sense of that term even when that person must sometimes accept a rule or law that he or she did not approve. To see how such a person can be autonomous, however, and how autonomy underpins a republican-liberal political theory, requires, finally, a closer look at the concept of autonomy itself.

#### IV Autonomy

As the chapters in this and other volumes testify, autonomy is a rich and multi-faceted concept.<sup>54</sup> In the space remaining, I cannot even pretend to approach a comprehensive treatment of the subject, but I can offer remarks on four points that are especially pertinent to the republican challenge to liberalism.

The first point begins with the basic observation that autonomy is a matter of *self-government*. This observation may seem to be singularly unhelpful, as it leads to difficult questions about the nature of the self and how it may be said to govern – questions such as the nature of the relationship between *personal* and *moral* autonomy that Gerald Gaus and Jeremy Waldron explore in Chapters 12 and 13, respectively, in the present volume. Nevertheless, this basic observation provides a useful starting point, as it indicates that autonomy is something available only to people who have both a reasonably secure sense of self and the ability to govern their conduct. Someone who suffers from multiple-personality disorder cannot be autonomous; nor, as the film *Memento* illustrates, can someone who cannot remember whom he has just met, where he has just gone, what he has just said, or how any of these fit into his plans or purposes. Less dramatically, people who are unable to resist any impulse that strikes them also lack autonomy, for they are incapable of *self-government*.

It is equally important to notice that external forces can prevent someone who is quite capable of *self-government* from exercising this capacity. This may happen, for instance, when a person who could be autonomous is subject to constant interference or coercion; it may also happen when such a person is dominated by or utterly dependent upon others. This

is why autonomy is a concern of liberals and republicans alike – and of those who believe that republican liberalism is an especially powerful political theory. Autonomy is the capacity to lead a self-governed life, but this capacity, like others, will atrophy if it is not exercised. Liberals, republicans, and republican liberals will all have an interest in protecting people, or enabling them to protect themselves, against interference or domination that threatens their ability to govern themselves. There will be disagreements and differences of emphasis among them, to be sure, but their fundamental concern for self-government demonstrates that republicans and liberals share a common foundation in their commitment to autonomy.

This claim leads to my second point about autonomy: it is not the peculiarly liberal concept that critics of liberalism sometimes take it to be. These critics are doubly mistaken, in my view, as they misconceive both liberalism and autonomy. Mark Tushnet provides a colorful case in point:

Liberalism's psychology posits a world of autonomous individuals, each guided by his or her own idiosyncratic values and goals, none of which can be adjudged more or less legitimate than those held by others. In such a world, people exist as isolated islands of individuality who choose to enter into relations that can metaphorically be characterized as foreign affairs.<sup>55</sup>

Setting aside the caricature of liberalism here, the pertinent question is whether autonomous individuals really are 'isolated islands of individuality'. The answer, quite clearly, is no. Autonomous individuals must be able to make choices, certainly, including the choice to enter into and break off various relations with others. But that is hardly to say that one is autonomous only if he or she takes part in nothing but self-chosen relationships.<sup>56</sup> We are born, most of us, with the capacity to lead self-governed lives, but we cannot develop or exercise this capacity without the assistance of other people, and it would be silly to think of our relations with all of them, even metaphorically, as 'foreign affairs'. Even as mature and presumably independent adults, we find ourselves entangled in relationships – with relatives, neighbors, co-workers, compatriots, and others – that we have not fully chosen. Yet we may still be reflective persons capable of judging the options available to us and making choices in light of those judgments. In short, we may achieve autonomy despite our inability to become 'isolated islands of individuality'.

As these remarks suggest, autonomy is not a simple on/off concept – something that one either does or does not have. On the contrary, one

autonomous person may have more or less autonomy than another; or someone may be autonomous in one aspect of her life but not in another. In most discussions of personal autonomy, however, we are talking in global terms of whether this or that person or group of people should be deemed, all things considered, to be autonomous. We can do this – and this is my third point – because autonomy, like freedom, is a threshold concept. That is why someone who gives in to every impulse will not be autonomous, *ceteris paribus*, but someone who occasionally acts impulsively may be. One need not be perfectly autonomous, in other words, in order to be autonomous. It is only necessary to go beyond that vaguely defined threshold that distinguishes the autonomous from those who are not (quite) autonomous.

This is an especially important point in the present context because it helps to resolve those paradoxical situations that have worried Skinner and bedeviled Pettit. As we have seen, Pettit resorts to a distinction between ‘unfree’ and ‘non-free’ in his attempt to explain how someone who experiences non-arbitrary interference, such as the imposition of a tax levy, may not suffer a loss of freedom. In making this move, I argued, Pettit implicitly trades on the sense in which freedom is a threshold concept; and a more straightforward way to deal with the problem is to say that the person subject to the levy remains *a free person* even though she is not *as free* to spend as she was before the levy. An even better way to resolve the problem is to employ the concept of autonomy. Doing so certainly makes it easier to handle the case of the person whose imprisonment seems, almost by definition, to drop her below the threshold that separates the free person from the unfree. It is easier, at least, if we have reason to believe that the prisoner committed the crime of her own volition in full knowledge of the illegality of her act and of its likely consequences. To say that this prisoner remains a free person strains, at best, the concept of freedom. Yet there is little strain, if any, in describing the prisoner as *autonomous* but *not free*. That is because ‘autonomy’, unlike ‘freedom’ or ‘liberty’, is typically used to characterize persons in a global sense. I may ask whether you are free this weekend, but only in frivolity or in a philosophy seminar would I ask whether you are autonomous this weekend. The threshold element is stronger in autonomy than in freedom, in short, because autonomy is more of a global concept than freedom.

These considerations lead to my final point, which is that a commitment to autonomy does not also commit one to the populist or plebiscitary forms of democracy that Pettit and Viroli deplore. If we want our

political arrangements to respect individual autonomy, or to acknowledge that people are 'discursive subjects' with voices and ears of their own, those arrangements will have to be in some sense democratic. But autonomy does not require unanimous direct democracy, for a person does not cease to be autonomous whenever a vote goes contrary to his wishes. Nor does autonomy require unbridled majority rule. Indeed, majority rule is both friend and foe of autonomy: *friend* because it is the only decision procedure that gives equal weight to everyone's vote, and *foe* because it may allow those who constitute the majority to dominate those in the minority. As Viroli remarks, a 'law accepted voluntarily by members of the most democratic assembly on earth may very well be an arbitrary law that permits some part of the society to constrain the will of other parts, thus depriving them of their autonomy'.<sup>57</sup>

Viroli's remark is important both for what it says about the threat that an excess of democracy poses to self-government and for what it implies about republicanism and liberalism. As the words I have italicized indicate, Viroli's defense of republican liberty against unchecked majoritarianism is entirely consistent with a commitment to autonomy. But it is also consistent with liberal fears that individual rights and liberties will fall victim to the tyranny of the majority. That is why the rule of law, separation of powers, checks and balances, and other devices for constraining the majority are neither peculiarly republican nor distinctively liberal. That is also why republicans and liberals alike should be concerned with problems such as permanent or persistent majorities, which inevitably lead the people who are on the losing side of almost every vote to ask whether they are really self-governing or merely subject to the domination of the majority. It is, in sum, the commitment to autonomy that unites republicans and liberals in their quest for political arrangements that protect and promote the individual's ability to be self-governing. In this, as in other respects, there is no reason to regard republicanism and liberalism as hostile or even sharply divided political theories.

## V The Republican Challenge to Liberalism

What, then, is the nature of the republican challenge to liberalism? It is the challenge to take more seriously the commitment to individual autonomy. Liberals too often seem to think that respecting autonomy is simply a matter of leaving people alone to pursue their own conceptions of the good, at least as long as they do not harm or violate the rights of others. Many liberals are thus vulnerable to the two lines of attack that



neo-republicans have brought against them: first, as Sandel and others have urged, that liberal societies give too little attention to the cultivation of the civic virtues necessary to sustain a self-governing polity; and second, as Pettit, Skinner, and Viroli insist, that freeing people from interference is not the same as enabling them to be free, self-governing persons. Anyone who hopes to foster autonomy will do well to take these criticisms seriously. For liberals, this means that they should correct their course where necessary to respond to the republican challenge.

Can this be done? The examples of Constant, John Stuart Mill, and other liberals who have displayed markedly republican tendencies indicate that it can. For Constant, as we have seen, the challenge is to cherish 'modern' liberty while guarding against the danger that, 'absorbed in the enjoyment of our private independence, and in the pursuit of our particular interests, we should surrender our right to share in political power too easily'.<sup>58</sup> For his part, Mill gave classical expression to the 'liberal' view of freedom: 'The only freedom which deserves the name, is that of pursuing our own good in our own way, so long as we do not attempt to deprive others of theirs, or impede their efforts to obtain it'.<sup>59</sup> But he also denied, in *Considerations on Representative Government*, that a truly benevolent despotism is the ideal form of government, and he called attention to the evil of domination in *The Subjection of Women*. That is not to say, of course, that Mill and Constant were always right, or that their writings exhaust the possibilities of republican liberalism or liberal republicanism. What these writings do show, however, in line with the arguments set out in this chapter, is that a republican liberalism is not only possible but, for anyone committed to the promotion of autonomy, remarkably attractive as a theory of politics.<sup>60</sup>

#### Notes

1. See, for example, Zera Fink, *The Classical Republicans: An Essay in the Recovery of a Pattern of Thought in Seventeenth Century England* (Evanston, IL: Northwestern University Press, 1945); Caroline Robbins, *The Eighteenth-Century Commonwealthman* (Cambridge, MA: Harvard University Press, 1959/1985); and Gordon Wood, *The Creation of the American Republic, 1776–1787* (Chapel Hill, NC: University of North Carolina Press, 1969).
2. Michael Sandel, *Democracy's Discontent: America in Search of a Public Philosophy* (Cambridge, MA: Harvard University Press, 1996); Philip Pettit, *Republicanism: A Theory of Freedom and Government* (Oxford: Clarendon Press, 1997). For liberals who reject republicanism, see, for example, Steven G. Gey, 'The Unfortunate Revival of Civic Republicanism', *University of Pennsylvania Law Review*, 141 (January 1993): 801–98; and, more temperately, Gerald F. Gaus,

- 'Backwards into the Future: Neorepublicanism as a Postsocialist Critique of Market Society', *Social Philosophy and Policy*, 20 (Winter 2003): 59–91.
3. Sunstein, 'Beyond the Republican Revival', *Yale Law Journal*, 97 (July 1988), p. 1590.
4. I develop this position in *Civic Virtues: Rights, Citizenship, and Republican Liberalism* (Oxford: Oxford University Press, 1997). Others who make a case for liberal republicanism or republican (or civic) liberalism include Shelley Burt, 'The Politics of Virtue Today: A Critique and a Proposal', *American Political Science Review*, 87 (June 1993): 360–68; Stephen Holmes, *Passions and Constraint: On the Theory of Liberal Democracy* (Chicago: University of Chicago Press, 1985), especially pp. 5 and 28; Jeffrey Isaac, 'Republicanism vs. Liberalism? A Reconsideration', *History of Political Thought*, 9 (Summer 1988): 349–77; Alan Patten, 'The Republican Critique of Liberalism', *British Journal of Political Science*, 26 (1996): 25–44; Thomas A. Spragens, Jr., *Civic Liberalism: Reflections on Our Democratic Ideals* (Lanham, MD: Rowman and Littlefield, 1999); and Ronald Terchek, *Republican Paradoxes and Liberal Anxieties* (Lanham, MD: Rowman and Littlefield, 1997).
5. For book-length responses, see Bill Brugger, *Republican Theory in Political Thought: Virtuous or Virtual?* (London: Macmillan, 1999); Iseult Honohan, *Civic Republicanism* (London and New York: Routledge, 2002); and M. N. S. Sellers, *The Sacred Fire of Liberty: Republicanism, Liberalism, and the Law* (London: Macmillan, 1999).
6. Shelley Burt, 'The Good Citizen's Psyche: On the Psychology of Civic Virtue', *Polity*, 23 (Fall 1990): p. 24. Cf. M. M. Goldsmith, 'Republican Liberty Considered', *History of Political Thought*, 21 (Autumn 2000), p. 555: 'The good citizen will develop the values of identification with the society, loyalty to it and public spirit – the willingness to put the good of the society above one's own good'.
7. Aristotle, *The Politics*, 1283b42–1284a3 (Book III, Chapter 13).
8. Rousseau, *Du Contrat Social*: note that ends Book I.
9. Sandel, *Democracy's Discontent*, p. 6.
10. *Ibid.*, p. 4.
11. *Ibid.*, p. 323.
12. Richard Dagger, 'The Sandelian Republic and the Encumbered Self', *The Review of Politics*, 61 (Spring 1999): 181–208. See also Sandel's response and my rejoinder in *ibid.*, pp. 209–17.
13. Pettit, *Republicanism*, esp. chapters 1–4; Skinner, *Liberty Before Liberalism* (Cambridge: Cambridge University Press, 1998), and 'A Third Concept of Liberty', *London Review of Books*, 16 (4 April 2002): 16–18; and Viroli, *Republicanism*, trans. Antony Shugaar (New York: Hill & Wang, 2002).
14. Viroli, *Republicanism*, p. 61: 'From a theoretical point of view, liberalism can be considered an impoverished or incoherent republicanism, but not an alternative to republicanism'.
15. Benjamin Constant, *Political Writings*, trans. and ed. Biancamaria Fontana (Cambridge: Cambridge University Press, 1988), p. 317.
16. *Ibid.*, p. 321.
17. *Ibid.*, p. 326.

18. Ibid., p. 327.
19. Ibid., p. 328; emphasis added.
20. 'Two Concepts of Liberty', in Berlin, *Liberty*, ed. Henry Hardy (London: Oxford University Press, 1969/2002). For the distinction's troubles, see, for example, David Miller's introduction to Miller, ed., *Liberty* (Oxford: Oxford University Press, 1993), esp. pp. 9–15; Holmes, *Passions and Constraints*, p. 28f.; and Rainer Forst's Chapter 10 in the present volume.
21. Indeed, Green's chief defense of positive freedom is found in his "Liberal Legislation and Freedom of Contract," which he delivered as a lecture to the Leicester [England] Liberal Association in January 1881.
22. "Liberal Legislation and Freedom of Contract," in Miller, ed., *Liberty*, p. 21.
23. Skinner, 'The Paradoxes of Political Liberty', in Miller, ed., *Liberty*, p. 202. In his Introduction to *Liberty*, David Miller argues (p. 6) that Skinner goes too far when he describes Machiavelli's view of freedom as *purely* negative, 'since that overlooks the fact that a person's freedom consists [for Machiavelli] also in his membership in a self-governing state'. We need not settle this point here, however, for on neither Miller's nor Skinner's reading does republican freedom equate to Berlin's positive liberty.
24. Skinner, 'A Third Concept of Liberty', p. 18; Pettit, *Republicanism*, p. 80. See also Skinner, *Liberty Before Liberalism*, p. 84: 'What the neo-roman writers repudiate *avant la lettre* is the key assumption of classical liberalism to the effect that force or the coercive threat of it constitute the only forms of constraint that interfere with individual liberty. The neo-roman writers insist, by contrast, that to live in a condition of dependence is in itself a source and a form of constraint'.
25. The following discussion draws on my 'Republican Refashioned: Comments on Pettit's Theory of Freedom and Government', *The Good Society*, 9: 3 (2002): 50–53.
26. Ibid., p. 41.
27. Ibid., p. 64.
28. Ibid., p. 91.
29. Berlin, 'Two Concepts of Liberty', §III (pp. 181–87 in Berlin, *Liberty* [2002]).
30. Pettit, *Republicanism: A Theory of Freedom and Government* (Oxford: Clarendon Press, 1999), p. 291; emphasis added.
31. Ibid., p. 76; emphasis added.
32. Ibid., p. 77.
33. See also 'Republican Freedom and Contestatory Democratization' (in *Democracy's Value*, eds. Ian Shapiro and Casiano Hacker-Cordón [Cambridge: Cambridge University Press, 1999]), where Pettit refers to "old liberals" such as John Locke' (p. 166, with no explanation of the quotation marks), then subsequently designates him 'the hero of the later commonwealthman tradition, John Locke' (pp. 170–71).
34. Ibid., paperback edition, p. 301, n. 2.
35. Ibid., p. 10.
36. For the quoted passage, see Pettit, *A Theory of Freedom: From the Psychology to the Politics of Agency* (Oxford: Oxford University Press, 2002), p. 152. But also note the reference to 'the characteristically liberal ideal of non-interference' on p. 151.

37. Ibid., p. 140.
38. Pettit, 'Republican Freedom and Democratic Contestation', p. 165.
39. Skinner, 'A Third Concept of Liberty', p. 18.
40. 'Republican Freedom and Contestatory Democratization', p. 165.
41. Pettit, 'Keeping Republican Freedom Simple: On a Difference with Quentin Skinner', *Political Theory*, 30 (June 2002), p. 342; emphasis in original.
42. Skinner, *Liberty Before Liberalism*, p. 83, n. 54.
43. Pettit, 'Keeping Republican Freedom Simple', p. 347. The internal quotation is from Pettit, *Republicanism*, p. 56.
44. Ibid., p. 344.
45. Pettit, *A Theory of Freedom*, p. 140.
46. Pettit, 'Keeping Republican Freedom Simple', p. 351.
47. Ibid., p. 351.
48. Ibid., p. 352.
49. Skinner, *Liberty Before Liberalism*, p. 84, n. 57.
50. Viroli, *Republicanism*, p. 10. See also pp. 47–52, where he argues against Skinner's conception of republican liberty as absence of dependence and of restraint.
51. Ibid., p. 10; see also p. 41.
52. Ibid., p. 42; emphasis added to 'not when... my will', but not to 'constant danger'. See also ibid., p. 41: 'The republican conception of liberty differs from the democratic idea that liberty consists of the "power to establish norms for oneself and to obey no other norms than those given to oneself". This is liberty in the sense of autonomy'. Viroli does not give the source of the internal quotation, but it appears from the context to be Norberto Bobbio, *Politica e cultura* (Turin: Einaudi, 1974).
53. Wolff, *In Defense of Anarchism*, 3rd ed. (Berkeley, CA: University of California Press, 1998), p. 18 *et passim*. I criticize Wolff's argument in *Civic Virtues*, pp. 62–68.
54. See, for example, John Christman, ed., *The Inner Citadel: Essays on Individual Autonomy* (New York: Oxford University Press, 1989), and *Social Philosophy and Policy*, 20 (Summer 2003), which is devoted to autonomy.
55. Tushnet, 'Following the Rules Laid Down: A Critique of Interpretivism and Neutral Principles', *Harvard Law Review*, 96 (February 1983): p. 783.
56. It is worth noting that for all their differences, not a single essay in the present volume conceives of autonomous persons as 'isolated islands of individuality'.
57. Viroli, *Republicanism*, p. 43; emphasis added.
58. Constant, *Political Writings*, p. 326.
59. Mill, *On Liberty and Other Writings*, ed. Stefan Collini (Cambridge: Cambridge University Press, 1989), p. 16.
60. For very helpful comments on an earlier draft of this essay, I am grateful to Cécile Fabre and David Miller.